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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 22-024

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. For purposes of the expedited repeal process, an “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

In this case, the agency’s rulemaking authority was removed by the repeal of s. 323.70 (7), Stats., in 2021 Wisconsin Act 104.

#### 2. Form, Style and Placement in Administrative Code

The rule summary’s listing of statutory authority should be revised to cite the specific statutory provision that granted rulemaking authority for the original rule, s. 323.70 (7), 2019-20 Stats. The citation to s. 227.26 (4), Stats., could be removed, as that provision establishes the expedited rulemaking process and does not remove or confer rulemaking authority for the subject matter addressed in the proposed rule. [s. 1.02 (2) (b) 3., Manual.]